

City of Portland

Bureau of Development Services

Land Use Services Division

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Date: June 6, 2008

To: Interested Person

From: Rachel Whiteside, Land Use Services

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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 07-169957 EN AD

GENERAL INFORMATION

Applicant/: Mary Susan Gress, **Owner** Buoy One LLC

3616 SE Oak St

Portland, OR 97214-2064

Site Address: 429 N Bridgeton Rd

Legal Description: TL 4100 0.15 ACRES, SECTION 03 1N 1E; TL 4500 0.02 ACRES,

SECTION 03 1N 1E; TL 4300 0.01 ACRES, SECTION 03 1N 1E; TL 4200 0.05 ACRES, SECTION 03 1N 1E; TL 7500 0.02 ACRES,

SECTION 03 1N 1E

Tax Account No.: R941030300, R941031280, R941031760, R941032680, R941032690

State ID No.: 1N1E03AB 04100, 1N1E03AB 04500, 1N1E03AB 04300, 1N1E03AB

04200, 1N1E03AB 07500

Quarter Section: 1930

Neighborhood: Bridgeton, contact Walter Valenta at 503-285-2644.

Business District: Columbia Corridor Association, contact Land Use at 503-287-8686. **District Coalition:** North Portland Neighborhood Services, contact Mary Jaron Kelley at

503-823-4099.

Other Designations: East Columbia Neighborhood NRMP

Zoning: CM, CGcdhx (Mixed Commercial Residential and General Commercial

base zones, both with Environmental Conservation, Design, Aircraft Landing, and Portland International Airport Noise Impact overlay zones)

Case Type: EN AD (Environmental Review and Adjustment Review)

Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal: The applicant requests to revise the development proposal approved in under Land Use Review 94-00300 EN AD. In 1994, Buoy One moorage was approved to have 12 houseboats and 3 boathouses, for a total of 15 floating structures. The applicant would like to

re-designate the three boathouse slips as three houseboats, for a total of 15 structures. Two of the boathouses have already been replaced (Slips 9 and 10) with houseboats. Slip 11 has a dilapidated boathouse that must be removed and will be replaced with one floating home. The Zoning Code requires revisions to land use reviews to be approved using the current procedure and the current approval criteria assigned to the original land use review (33.730.140).

The applicant also requests an Adjustment to the minimum parking requirement. They propose to maintain the existing 44 parking spaces shared by the Buoy One and Blue Frog moorages. Based on the residential and marina uses, the Zoning Code (Chapter 33.266, Parking & Loading) requires 124 spaces.

The site is within the City's Environmental Conservation overlay zone. Certain standards must be met to allow the work to occur by right. If the standards are not met, an Environmental Review is required. In this case, the proposed work will occur within the Oregon Slough and Environmental standard 33.430.140 F.1 is not met; therefore the work must be approved through an Environmental Review, in addition to the Adjustment Review noted above.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are:

- **Section 33.430.250 E** Other Development in the Environmental Conservation zone
- Section 33.805.040 A-F Adjustments

ANALYSIS

Site and Vicinity: The site of the Buoy One floating home moorage is along the south side of the Portland Harbor, approximately 2,000 feet east of Interstate 5, in North Portland. Technically (and for the purpose of calculating the total parking requirement) the "site" consists of both the Blue Frog Landing moorage and the Buoy One moorage, since they are within the same ownership. Both moorage sites, together with the parking area on the south side of Bridgeton Road cover approximately 3.5 acres. The moorage sites includes the steeply sloping bank of the Portland Harbor, two gangways down to the floating homes and docks, 9 floating homes, 7 covered boat slips, and 13 uncovered slips at the Blue Frog Landing moorage; and 13 floating homes and one boathouse at Buoy One. The parking lot includes 44 parking spaces for both moorages, with one additional handicap space adjacent to the Blue Frog plaza at the end of Bridgeton Road. The main parking lot is located south of existing town houses along Bridgeton Road.

A houseboat moorage is a facility that provides moorings for houseboats. Houseboats and houseboat moorages are classified under the general use category of Household Living. This definition also includes floating homes. The terms "houseboat" and "floating home" refer to a residential unit and will be used interchangeably throughout this report. Boathouses are covered floating structures used for the wet or dry storage of a private boat(s) or personal watercraft of the owner or lessee of the boathouse. Boathouses and boat slips are defined as marinas in the zoning code. Marinas are classified under the general use category of Commercial Outdoor Recreation.

North Bridgeton Road is part of a designated pedestrian district and is a local service street for all other modes of the Transportation Systems Plan. Bridgeton Road is a 45-foot wide right-of-way, developed with an 18-foot roadway, curbs, sidewalks, and 19 parking spaces striped perpendicular to the roadway.

Zoning: The zoning designation on the site includes Mixed Commercial/Residential and General Commercial base zones, with Environmental Conservation, Design, Aircraft Landing, and Portland International Airport Noise Impact overlay zones.

The <u>Mixed Commercial/Residential</u> (CM) zone promotes development that combines commercial and housing uses in a single building. This development type will support transit use, provide a buffer between busy streets and residential neighborhoods, and provide new housing opportunities in the City. The emphasis of the nonresidential uses is primarily on locally oriented retail, service, and office uses. Development is intended to be pedestrian-oriented with buildings close to and oriented to the sidewalk, especially at corners. The provisions of this zone allow this use; these provisions are not specifically addressed through this Environmental Review.

The <u>General Commercial</u> (CG) zone is intended to allow auto-accommodating commercial development in areas already predominantly built in this manner and in most newer commercial areas. The zone allows a full range of retail and service businesses with a local or regional market. The provisions of this zone allow this use; these provisions are not specifically addressed through this Environmental Review.

The <u>Design overlay</u> ("d") zone promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. Zoning Code Sections 33.420.041 J. and 33.420.045 P. specifically exempt houseboats from design review.

The <u>Aircraft Landing overlay</u> ("h") limits the height of structures and vegetation in the vicinity of the Portland International Airport; a height contour map is available for review in the Development Services Center.

The <u>Portland International Airport Noise Impact overlay</u> zone ("x") reduces the impact of aircraft noise on development within the noise impact area surrounding the Portland International Airport. The zone achieves this by limiting residential densities and by requiring noise insulation, noise disclosure statements, and noise easement. These regulations must be shown to be met at the time of building permit.

Environmental overlay zones ("c") protect environmental resources and functional values that have been identified by the City as providing benefits to the public. The environmental regulations encourage flexibility and innovation in site planning and provide for development that is carefully designed to be sensitive to the site's protected resources. They protect the most important environmental features and resources while allowing environmentally sensitive urban development where resources are less sensitive. The purpose of this land use review is to ensure compliance with the regulations of the environmental zones.

Environmental Resources: The application of the environmental overlay zones is based on detailed studies that have been carried out within ten separate areas of the City. Environmental resources and functional values present in environmental zones are described in environmental inventory reports for these study areas. The project site is within Site 71 of the *Columbia Corridor Industrial and Environmental Mapping Project*.

The Columbia Corridor Industrial/Environmental Mapping Project inventory lists "riparian strip for wildlife habitat, visual amenity, erosion control, drainageway functions, including fish habitat, drainage, flood storage, desynchronization, erosion control, sediment trapping, and pollution and nutrient retention and removal" for the Columbia River shoreline, as values to be protected. However, the area is also characterized as "highly disturbed and largely developed, with vegetation that is primarily grasses and shrubs." The Buoy One site, specifically, is highly developed, with the rip-rapped river bank offering only minimal resource function.

Land Use History: City records indicate that prior land use reviews have been conducted for this site. Exhibit G.2 in the application case file provides a complete summary of all these land use reviews.

<u>LUR 94-00300 EN AD</u> approved an Environmental Review for expansion of a houseboat moorage to 12 houseboat slips and three boat houses and Adjustments to interior parking lot landscaping, parking lot aisle width, and perimeter parking lot landscaping.

Agency and Neighborhood Review: A "Notice of Proposal in Your Neighborhood" was mailed **November 2, 2007**. The Fire and Water Bureaus have responded with no issues or concerns (Exhibits E.3 & 4).

The Bureau of Environmental Services responded with no objections, but included comments related to the permitting of future structures (Exhibit E.1).

The Bureau of Transportation Engineering and Development Review responded that in order to add any additional parking demand, the applicant must provide a parking demand study prepared by an Oregon licensed traffic engineer. The applicant provided such a study. The conclusions of that study are discussed under the appropriate approval criteria later in this report. (Exhibits E.2 and E.10)

The Life Safety section of the Bureau of Development Services (BDS) commented that permits will be required for all future work and to legalize any existing units that may be approved under this review (Exhibit E.6).

The Site Development section of BDS responded that they cannot support the proposed change in the number of floating homes unless the existing sewage pump station is upgraded and all discharge lines are properly plumbed. The applicant obtained a permit (08-118681 PT) to meet these requirements and the work was inspected June 3, 2008. (Exhibits E.5 and E.9 contain additional details).

The Bureau of Parks commented that the changes do not trigger any trail development and note that the owner is involved with discussions of how to complete the Marine Drive Trail in the Bridgeton neighborhood (Exhibit E.7).

Peninsula Drainage District #2 responded with no objections as long as no construction activities take place on any portion of the levee without their prior review and approval (Exhibit E.8).

Nine written responses have been received from area residents or notified property owners in response to the proposal (Exhibits F). The first letter is from the Port of Portland and they note that the site is within the PDX Noise Impact Zone (identified on City maps as the x-overlay). The Port requests that the city apply the regulations in Chapter 33.470 to this development proposal, including requiring noise insulation, a signed noise disclosure statement by the property owner, and the dedication of a noise easement to the Port by the property owner. The standards in Chapter 33.470 are applied at the time of building permit review.

Two letters were generally in support of the proposal, but requested improvements to the shared garbage collection area in front of the Buoy One moorage. Three letters in opposition to the proposal primarily expressed concerns about the parking situation for the Buoy One and Blue Frog moorages, although the sewage system, the conditions of the docks and ramp, and the disposal of trash were also cited as problems. The three remaining letters discuss parking, but note that adequate parking already exists and that converting existing open/landscaped area to additional parking would be undesirable. The parking issue is discussed under the Adjustment criteria, later in this report. As previously noted the sanitary conditions were fixed under permit 08-118681 PT.

One of the letters stated that several conditions of approval from case file LUR 98-01073 DZ EN AD (establishing the Blue Frog Landing moorage) had not been met. This concern was forwarded to the Compliance Services department. On January 30, 2008 staff conducted an inspection of the entire site and confirmed that all conditions of approval had been met.

ZONING CODE APPROVAL CRITERIA

An environmental review application will be approved if the review body finds that the applicant has shown that all of the applicable approval criteria are met. When environmental review is required because a proposal does not meet one or more of the development standards of Section 33.430.140 through .190, then the approval criteria will only be applied to the aspect of the proposal that does not meet the development standard or standards.

Findings: The approval criteria which apply to the proposed new floating homes are found in Section 33.430.250.E. The applicant has provided findings for these approval criteria and BDS Land Use Services staff has revised these findings or added conditions, where necessary to meet the approval criteria.

33.430.250.E. Other development in the Environmental Conservation zone or within the Transition Area only. In Environmental Conservation zones or for development within the Transition Area only, the applicant's impact evaluation must demonstrate that all of the following are met:

- 1. Proposed development minimizes the loss of resources and functional values, consistent with allowing those uses generally permitted or allowed in the base zone without a land use review;
- 2. Proposed development locations, designs, and construction methods are less detrimental to identified resources and functional values than other practicable and significantly different alternatives;
- 3. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;

Findings: The purpose of these criteria is to recognize that some form of development is allowed, consistent with the base zone standards, and to demonstrate that alternatives were considered during the design process, which might result in fewer impacts. Impacts of the proposed development are measured relative to the impacts associated with the development normally allowed by the base zone; in this case, the base zone in conjunction with the "x" overlay limitations, would allow up to 153 dwelling units and up to 126,000 square feet of the site to be covered by buildings, according to Table 130-3 of the Zoning Code.

Since only 12 floating homes were approved in 1994, this report includes environmental review of the two additional floating homes which are currently at the moorage, as well as one new home that does not currently exist at the moorage. In total, the 15 floating homes will cover less than 30,000 square feet, which is consistent with base zone regulations. The area proposed for all of the new floating homes is within the existing dock structures approved previously in LUR 94-00300 EN AD.

The applicant notes that since the 1994 approval of 12 floating homes and 3 boathouses, market conditions for boat slips have changed. With over 100 new boat slips recently constructed or being constructed in the Bridgeton Road and Hayden Island area, the applicant is unable to rent out their approved boat slips. However there is a large demand in Portland for affordable floating home moorages, which is what the applicant proposes here. Allowing the expansion of the existing moorage to total of 15 floating homes, rather than the 12 originally permitted, will allow the owner to keep tenant moorage rates as low as possible, and to avoid the unpleasant prospect of evicting tenants of the unapproved moorages.

The findings for these criteria in the LUR 94-00300 EN AD decision focus on the effects of the proposed floating homes on anadromous fish, their predators, and their prey. Several species of salmon listed as threatened or endangered use the Columbia River, its side channels, and sloughs, during migration to and from spawning areas. In its regulatory role, the US Army Corps of Engineers, with input from NOAA Fisheries, determine whether or not potential impacts to listed salmon will be at an acceptable level. The Corps identified several design features for dock, and covered boat slips, and floating homes that would minimize these impacts. Of note for the new floating homes was the Corps requirement to position them over deep water—with a minimum depth of 15-20 feet. The applicant

confirms that water depth beneath the Buoy One moorage ranges from 30 to 60 feet, and is to unlikely affect shallow-water habitat where juvenile salmon feed.

With regards to protection of resources outside of the proposed disturbance area, BES has commented that the applicant will be required to collect, treat, and dispose of stormwater from the new floating homes according to the provisions of the Stormwater Management Manual. This requirement is to be met at the time of building permit review of the new floating homes. It is likely that the floating home design will need to include a stormwater planter on the platform.

The Site Development review section of BDS required a plumbing permit to upgrade all plumbing that did not meet the Oregon State Uniform Plumbing Code. This permit reviewed the existing sewage pump station and all discharge lines, including lines from the two existing, unpermitted homes. The permit inspection was completed June 3, 2008. With the upgrades to the existing sanitation facilities, pollution and nutrient deposits to the Columbia River are greatly reduced or eliminated, thus improving the quality of the river.

Given that the Columbia River shoreline is characterized as "highly disturbed and largely developed, [with] vegetation that is primarily grasses and shrubs," the proposal to exchange, as it were, approval for three boathouses for three floating homes has virtually no impact on resources and functional values identified at this site, in or outside of the proposed disturbance area. Of the three "new" floating homes, only one will be moved to the site – from either an adjacent moorage, or from off-site construction site. The remaining two "new" floating homes are currently at the moorage and standard provisions for construction management do not apply. However, to ensure that all City codes are being met and that resources are not being inadvertently adversely impacted, the two existing floating homes in the moorage that were moored without the benefit of permits (Slip x and Y) must obtain building permits within six months of the City's final decision.

With a condition that non-permitted floating homes in the moorage receive building permits, these criteria are met.

- 4. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;
- 5. Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and
- 6. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.

Findings: This criterion requires the applicant to assess unavoidable project impacts and propose activities to replace lost resource functions and values. As described in findings above, there are no identified impacts associated with conversion of 3 boathouses to 3 floating homes at the existing docks at Buoy One. Removing the one remaining dilapidated boathouse will reduce motor pollution at the moorage.

Blue Frog Landing, the moorage to the west under the same ownership, proposed to voluntarily achieve and maintain "Clean Marina" status* under LU 06-160751 EN AD. This would be appropriate mitigation for Buoy One as well, given the minimal impacts of the proposal. Mitigation for significant detrimental impacts will be conducted on the same site as the proposed use or development, and the applicant owns the proposed on-site mitigation area.

^{* &}quot;Oregon Clean Marina is a voluntary program that recognizes marinas, boatyards, yacht clubs, and floating home marinas that, along with being in compliance with environmental regulations, use a high percentage of environmentally responsible practices. The Clean Marina program recognizes these facilities by designating them as Clean Marinas." –Oregon Clean Marina News. It is sponsored by the Oregon State Marine Board and is in partnership with the Oregon Coastal Management Program, the Lower Columbia River Estuary Partnership, and the Oregon Department of Environmental Quality.

It should be noted that mitigation plantings were specified on approved site plans and in conditions of approval for LUR 98-01073 DZ EN AD. The plantings shown on Exhibit C.3 of LUR 98-01073, and listed in conditions of approval (Conditions H and I) were installed around the lower parking area under permit 06-178650 ZP. LUR 94-00300 EN AD discussed some plantings on the river side of the levee. Unfortunately, those plantings do not meet the planting standards for levees enforced by the Peninsula #2 and Multnomah Drainage Districts. The Drainage District limits plantings on the levee to a list of grasses approved by the District. The river side of the levee is already vegetated with grass species where there is not boulder rip-rap, therefore, no additional plantings will be required.

These criteria are met.

33.805.040 Approval Criteria for Adjustments

The approval criteria for signs are stated in Title 32. All other adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met.

A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: Table 266-2 requires 20 parking spaces per acre of site for the Commercial Outdoor Recreation use (Blue Frog marina). In addition 33.236.050 C.3 requires 2 parking spaces per floating home. Required parking for Buoy One and Blue Frog Landing is based upon the total site area of 6 acres for the marina use (120 parking spaces required), plus a total of 26 floating homes in both moorages (52 parking spaces required). This amounts to a total of 172 required parking spaces for the marina and floating home uses at both moorages.

LU 06-160751EN AD approved an Adjustment of the parking requirements resulting in reducing the requirement parking spaces down to 45, for both moorages. A total of 19 on-street parking spaces also exist along the north side of Bridgeton Road, so in actuality 64 spaces are available for these moorages. Because one of the "new" floating homes at Buoy One was present during the 2006 review and a second was moved in shortly after, the applicant requests that no additional parking be required for the 3 "new" floating homes at Buoy One.

The purpose of the Minimum Required Parking Spaces (33.266.110) is to provide enough on-site parking to accommodate the majority of traffic generated by the range of uses which might locate at the site over time. The applicant hired a licensed traffic engineer to conduct a parking demand study for the two moorages. That study determined that there is adequate parking for the existing uses and that there is ample parking to support the additional proposed houseboats (See Exhibit A.7 for additional details specific parking counts).

The purpose of providing adequate parking will continue to be met, even with the two new floating homes. This criterion is met.

B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Findings: The proposal is within the Mixed Commercial/Residential and General Commercial base zones, which promote pedestrian oriented, mixed commercial and housing uses, such as the marina and floating homes. North Bridgeton Road in this area is within a designated pedestrian district. The Bridgeton Neighborhood Plan calls for adequate parking for residents, guests, and visitors, but also specifically states, "Keep

moorage parking areas as flexible as possible to allow for maximum parking spaces consistent with road safety."

While the parking study determined that adequate parking exists, the traffic engineer also addressed the negative parking behaviors described by neighbors and witnessed by City staff. The engineer recommends that signage or physical obstructions be provided in the area south of Bridgeton Road in order to curb the illegal parking. In the plaza area, temporary signage was in place for the duration of the parking study. The engineer did not witness any illegal parking during the study and recommends permanent signage in this area.

The applicant has suggested moving the existing bollards that are currently about 16 feet behind the sidewalk, further from the sidewalk to allow for legal parking. This area was approved as part of a pedestrian connection under LUR 98-01073 DZ EN AD. Changing the pedestrian walkway to a parking area would require modifying the earlier decision. The applicant has not requested such a modification and the City does not support the use of this area as a private parking lot. Therefore, the traffic engineer's suggestion of relocating the existing bollards closer to the sidewalk, should be a condition for approval. Portland Transportation has more specifically requested that the bollards be placed 7 feet from the face of the curb on the south side of Bridgeton Road. The bollards must be spaced far enough from one another to prevent a vehicle from going through or around them. This may require the addition of one new bollard.

Overall, a reduction in the number of parking spaces from the required 172 to a total of 64 (including those along Bridgeton Road and those in the Blue Frog/Buoy One parking lot), helps to maintain a "pedestrian friendly" atmosphere in the neighborhood by not overwhelming streets with parking, and by encouraging walking, cycling, and the use of public transportation. Curbing the negative parking behaviors will help maintain a safe connection for pedestrians between the parking areas, common open area, and floating homes. With conditions requiring a zoning permit to verify relocation of the bollards south of Bridgeton Road and permanent signage prohibiting parking on the plaza, this criterion can be met.

C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: Only one Adjustment is requested. This criterion does not apply.

D. City-designated scenic resources and historic resources are preserved; and

Findings: There are no City-designated scenic or historic resources on this site. This criterion does not apply.

E. Any impacts resulting from the adjustment are mitigated to the extent practical; and Findings: The impact of fewer parking spaces is occasional demand for more spaces. The applicant notes, however, that floating home and row house residents are the primary renters of boat slips in the marina use, which reduces the overall demand for parking spaces. The applicant has instituted a parking sticker program for residents of both moorages to ensure reserved spaces for residents in the lower lot, encourage more use of the lower lot, and to better monitoring parking demand on an ongoing basis. Portland Transportation (PDOT) has also requested that a set of written instructions identifying where parking is allowed and where it is prohibited be provided to all residents, the Bureau of Development Services, and PDOT.

The lower parking lot was originally approved and striped for 44 parking spaces. Over time some of those lines have disappeared. The traffic engineer suggests repainting those stripes as necessary. The applicant has also suggested adding "No Trailer Parking" signs to the lower parking lot.

A zoning permit is necessary to verify installation of the proposed signage. These actions, combined with the physical changes discussed under Criterion B, adequately mitigate any impacts from the adjustment. This criterion is met.

F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings: Reducing the required number of parking spaces would result in fewer environmental impacts than construction of the 172 required spaces. This criterion is met.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The applicant proposes to legalize two floating homes that were already moved into the Buoy One moorage and to replace one boathouse with one floating home. This Environmental and Adjustment Review will revise the LUR 94-00300 EN AD Decision which approved 12 floating homes and 3 boathouses at the moorage located on Bridgeton Road. No additional parking is proposed for the new floating homes, so the Adjustment for fewer parking spaces must also be revised. A total of 172 spaces would normally be required for the 6 acres of marina use, the 11 Blue Frog floating homes, and the 15 Buoy One floating homes. The applicant proposes to maintain the 19 spaces in the Bridgeton Road right-of-way and the 45 spaces in the Buoy One/Blue Frog Landing parking lot, for a total of 64 parking spaces. The applicable approval criteria can be met with conditions related to curbing the negative parking behavior along Bridgeton Road. This review is approved.

ADMINISTRATIVE DECISION

Approval of an Environmental Review for:

- Revising the allowed number of floating homes at Buoy One to 15; and
- Revising the allowed number of boathouses at Buoy One to 0; all within the Environmental Conservation overlay zone, and in substantial conformance with Exhibit C.2, as signed and dated by the City of Portland Bureau of Development Services on **June 4, 2008**. Approval is subject to the following conditions:

Approval of an Adjustment Review to reduce the required number of parking spaces to the existing 45 spaces (44 in the lower parking lot and 1 accessible space in the plaza area).

A. As part of the all permit application submittals, the following development-related condition (B) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 07-169957 EN AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

B. A zoning permit shall be required to document:

- Installation of "No Parking" signs in the public plaza area that also direct residents and visitors to the lower parking lot;
- Relocation of the existing bollards on the south side of Bridgeton Road to within 7 feet

of the curb face. The bollards must be spaced far enough from one another to prevent a vehicle from going through or around them. This may require the addition of one new bollard;

- Repainting the lower parking lot to the approved 44 striped parking spaces;
- Installation of "No Trailer Parking" signs in the lower parking lot; and
- The written instructions to residents, identifying where parking is allowed and where it is prohibited.
- **C.** Failure to comply with any of these conditions may result in the City's reconsideration of this land use approval pursuant to Portland Zoning Code Section 33.700.040 and /or enforcement of these conditions in any manner authorized by law.

Decision rendered by: ______ Sulled Whittiele_____ on June 4, 2008.

By authority of the Director of the Bureau of Development Services

Decision mailed: June 6, 2008

Staff Planner: Rachel Whiteside

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on October 16, 2007, and was determined to be complete on October 31, 2007.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on October 16, 2007.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be extended several times, as stated with Exhibits (A.3-6)

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the

use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed by 4:30 PM on June 20, 2008 at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. An appeal fee of \$250 will be charged. The appeal fee will be refunded if the appellant prevails. Recognized neighborhood associations are not subject to the appeal fee. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7967 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- Unless appealed, The final decision may be recorded on or after June 23, 2008 (the first business day following the last day to appeal).
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

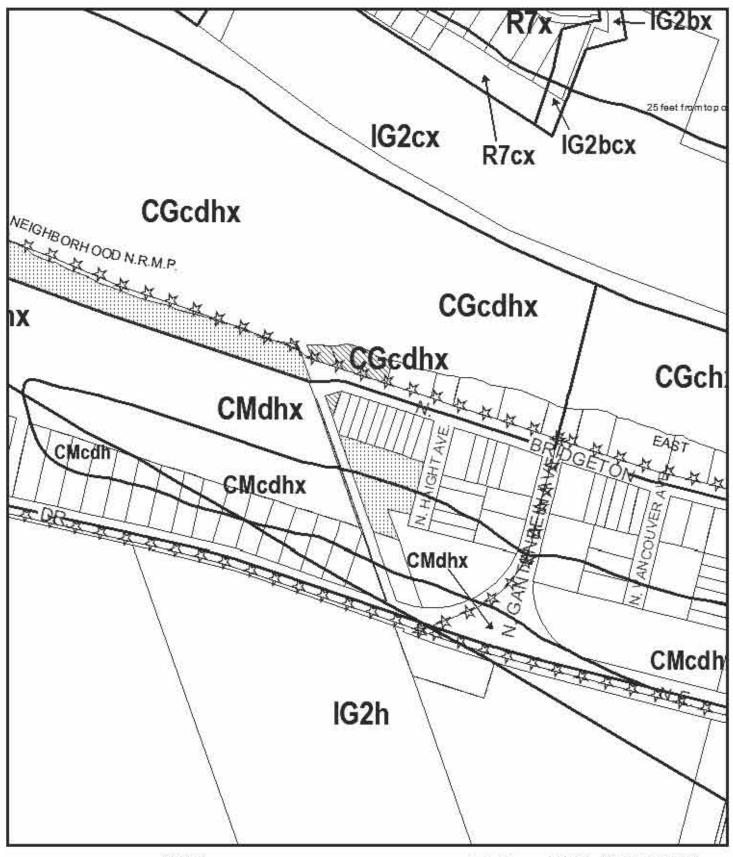
- A. Applicant's Statement
 - 1. Original Narrative
 - 2. Revised Narrative, received October 30, 2007
 - 3. Discussion to reduce number of proposed houses, November 29, 2007
 - 4. Request to extend 120-day clock by 30 days
 - 5. Request to extend 120-day clock by 56 days
 - 6. Request to extend 120-day clock by 31 days
 - 7. Request to extend 120-day clock by 30 days
 - 8. Parking Study
 - 9. Applicant's Proposed Conditions of Approval, received April 18, 2007
 - 10. Request to extend 120-day clock by 34 days
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Parking Lot Plan (attached)
 - 2. Moorage Layout Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of the Bureau of Development Services
 - 6. Life Safety Review Section of the Bureau of Development Services
 - 7. Bureau of Parks Strategy, Finance, & Business Development Division
 - 8. Peninsula Drainage District #2
 - 9. Supplemental Response from Site Development of BDS
 - 10. Revised Response from Bureau of Transportation
- F. Correspondence:
 - 1. Port of Portland (Jason Gately), November 16, 2007, comments regarding the regulations in Chapter 33.470

- 2. Charles Wilson, November 15, 2007, in favor of approving the proposal and facilitating additional dumpsters
- 3. Karen Bates, November 6, 2007, in favor of approving the proposal and facilitating additional dumpsters
- 4. Sam McGarrity, November 29, 2007, in favor of approving the proposal and facilitating additional parking spaces and dumpsters
- 5. Caryn Haynes, November 29, 2007, not in favor of the proposal as a result of limited parking spaces, the current pump sanitation system, and a buckling ramp
- 6. Don Roush, December 3, 2007, not in favor of the proposal as a result of limited parking spaces and the current pump sanitation system
- 7. Dan & Keely Thompson, March 15, 2008, comments concerning the parking spaces
- 8. Bridgeton Neighborhood Association (Matt Whitney, Chair), March 17, 2008, comments regarding the parking as implemented in the Adopted Bridgeton Neighborhood Plan
- 9. Brian Stipak, April 3, 2008, comments concerning parking.

G. Other:

- 1. Original LU Application
- 1. Site History Research
- 2. Violation Letter
- 3. Incomplete Letter, sent October 29, 2007

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



ZONING Site Also Owned



File No. LU 07-169957 EN AD 1930 1/4 Section _ 1 inch = 200 feet Scale. 1N1E03AB 4100 State_Id .

Exhibit

(Oct 19,2007)



